

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6125**  
**BILL NUMBER: SB 174**

**NOTE PREPARED:** Nov 27, 2012  
**BILL AMENDED:**

**SUBJECT:** Terminating the Parent-Child Relationship.

**FIRST AUTHOR:** Sen. Charbonneau  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill allows a parent who is the victim of an act of rape from which a child was conceived to file a petition to terminate the parent-child relationship between the child and the alleged perpetrator of the act of rape. The bill requires a court to terminate the parent-child relationship if the court finds: (1) by clear and convincing evidence that the alleged perpetrator committed an act of rape against the parent who filed the petition to terminate the parent-child relationship and that the child was conceived as a result of the act of rape; and (2) that terminating the parent-child relationship would be in the best interests of the child.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Court Fee Revenue:* This bill may increase the number of termination of parent-child relationship requests. Revenue from civil court fees could increase to the extent termination of parent-child relationship requests increase as a result of the bill.

If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion

of the judge and depending upon the particular type of case.

**Explanation of Local Expenditures:** *Summary:* This bill could increase court caseload to hear termination of parent-child relationship cases where a child was conceived and born as the result of an act of rape. The potential increase in workload is the result of the bill allowing parents to file termination of parent-child relationship requests when currently only the Department of Child Services (DCS), a child's guardian ad litem (GAL) or court-appointed special advocate (CASA), or a licensed child placing agency can file termination of parent-child relationship requests.

Additionally, this bill could increase GAL and CASA workload to provide representation for children in these cases. Actual increases in workload are unknown.

**Additional Information:**

The number of instances where a child was conceived and born as a result of a rape is unknown. Additionally, it is not known how many parents of children who are conceived as the result of rape, or who claim such, will petition the court for termination of the parent-child relationship of the perpetrator.

*Court Workload:* Currently, there are three different filings for the termination of a parent-child relationship: (1) voluntary, (2) termination in juvenile delinquent or child in need of services (CHINS) cases, and (3) with individuals convicted of certain criminal offenses. Currently, when a termination of parent-child relationship is filed against individuals who are convicted of certain criminal offenses (IC 31-35-3), rape is included as one of the convictions in this statute.

Only representatives from the Department of Child Services (DCS) or a licensed child placing agency can file requests for the voluntary termination of a parent-child relationship if requested by the parents [IC 31-35-1-4(a)]. Only an attorney for the DCS or a child's GAL or CASA may currently petition for the termination of a parent-child relationship (1) in juvenile delinquent or CHINS cases and (2) for individuals convicted of certain criminal convictions [IC 31-35-2-4(a) and IC 31-35-3-4(2)]. There are currently no rights afforded to parents to request the termination of the parent-child relationship individually.

This bill would allow parents to request the termination of a parent-child relationship in instances where a child was conceived and born as the result of rape or is alleged to have been conceived and born as the result of rape.

*Impact on GAL/CASA Representation:* The bill also allows a juvenile court to assign a GAL/CASA representative for a child who is named in a termination of the parent-child relationship proceeding where the child was conceived and born as the result of an act of rape. Currently, a court can appoint a GAL/CASA representative for a child in any termination of parent-child relationship case (under IC 31-35). However, these requests for termination are currently filed by either the DCS, a child's GAL/CASA, or a licensed child placing agency.

By allowing parents to request a termination of a parent-child relationship in instances of rape, this bill could increase the number of cases where a GAL/CASA representative would be assigned to a child who is the subject of the termination of a parent-child relationship filing. As a result, GAL/CASA workload could increase.

**Explanation of Local Revenues:** *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:**

**Local Agencies Affected:** Probate and juvenile courts; Local GAL/CASA programs.

**Information Sources:** Leslie Dunn, Division of State Court Administration.

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